

# **EXHIBIT D**

1 Scott D. Cunningham (State Bar No.: 200413)  
2 CONDON & FORSYTH LLP  
3 1901 Avenue of the Stars, Suite 850  
4 Los Angeles, California 90067-6010  
5 Telephone: (310) 557-2030  
6 Facsimile: (310) 557-1299  
7 Email: scunningham@condonlaw.com

8 -and-

9 Marshall S. Turner (*pro hac vice*)  
10 CONDON & FORSYTH LLP  
11 7 Times Square  
12 New York, NY 10036  
13 Telephone: (212) 490-9100  
14 Facsimile: (212) 370-4453  
15 Email: mturner@condonlaw.com

16 Attorneys for Plaintiff and Counter-Defendant  
17 ALL NIPPON AIRWAYS COMPANY, LTD.

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

20 ALL NIPPON AIRWAYS COMPANY, )  
21 LTD., )

22 Plaintiff,

23 vs.

24 UNITED AIR LINES, INC., )

25 Defendant. )

Case No. C07-03422 EDL

**ALL NIPPON AIRWAYS  
COMPANY, LTD.'S SECOND  
SET OF DOCUMENT REQUESTS  
TO UNITED AIR LINES, INC.**

26 AND RELATED COUNTERCLAIM

27 Plaintiff and Counter-Defendant, ALL NIPPON AIRWAYS COMPANY,  
28 LTD. (hereinafter referred to as "ANA"), by and through its attorneys, Condon &  
Forsyth LLP, hereby requests that Defendant and Counter-Plaintiff United Air  
Lines, Inc. (hereinafter referred to as "UAL") answer the following Document  
Requests and produce the following Documents within 30 days pursuant to Fed. R.  
Civ. P. 34 at Condon & Forsyth, 1901 Avenue of the Stars, Suite 850, Los  
Angeles, California 90067.

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**DEFINITIONS**

A. The term "Accident" refers to the collision of NH007 and UA809 at San Francisco International Airport on October 7, 2003.

B. The term "SGHA" shall mean IATA Standard Ground Handling Agreement including but not limited to AHM 810, AHM 810 – Annex A, and United Contract No. 108536-17 Annex B.1.3.

C. The term "SFO" shall mean San Francisco International Airport.

D. The words "you" and "your" shall be deemed synonymous with the defendant listed above and shall be deemed to include any and all attorneys, agents, investigators, servants, employees, experts, representatives and insurers, whether appointed by you or someone acting on your behalf, or as authorized by operation of law.

E. The word "document" refers to any kind of written, typewritten, printed, or recorded material whatsoever, including, without limitation, papers, legal filings, orders, agreements, contracts, notes, memoranda, correspondence, letters, lists, logs, telegrams, facsimiles, reproductions, statements, invoices, receipts, books, manuals, brochures, reports, official forms, minutes, records, maps, plans, photographs, transcriptions, recordings, videotapes, graphs, computer printouts, indexes, data sheets, diaries, diagrams, drawings, models, and microfiche/microfilm of which you have any knowledge or information, whether in your possession, custody or control or not, and includes, where applicable, originals, all copies of original documents, and all drafts prepared in connection therewith.

F. A request to identify a person shall be deemed to include a request for the following information:

- (1) The person's full name;
- (2) The person's last known residence and business addresses;
- (3) The person's last known residence and business telephone

1 numbers; and

- 2 (4) The person's company affiliation or employer at the  
3 relevant time inquired about and the capacity in which the  
4 person was then serving said company or employer.

5 G. A request to identify a place or location shall be deemed to  
6 include a request for the complete mailing address of that place or location.

7 H. A request to identify a document shall be deemed to include a  
8 request for the following information:

- 9 (1) The title of the document or, if untitled, a description  
10 thereof sufficiently specific so as to facilitate its  
11 recognition;  
12 (2) The identity of the author of the document, if applicable;  
13 (3) The date of the document, if applicable; and  
14 (4) The identity of the present custodian of the document.

15  
16 **DOCUMENT REQUESTS**

17  
18 **REQUEST NO. 1:**

19 True and correct copies of all documents concerning the Ramp Tower G  
20 Ramp Controller position at SFO in effect on October 7, 2003 regarding (i)  
21 communications with aircraft; (ii) clearances and instructions for pushback and taxi;  
22 (iii) traffic advisories and safety alerts; (iv) maintaining separation of aircraft in the  
23 vicinity of Terminal G; (v) ensuring that no collisions occur between aircraft; (vi)  
24 organizing and expediting the flow of traffic; (vii) paying attention to all aircraft and  
25 not focusing on one area to the exclusion of another; (viii) clearing potential conflicts  
26 between aircraft prior to or during taxi; (ix) clearing potential conflicts between  
27 aircraft prior to or during pushback; and (x) conflict resolution.  
28

1 **REQUEST NO. 2:**

2 True and correct copies of the training materials and records for Edward Loh,  
3 including, but not limited to, all documents regarding the training of Edward Loh  
4 for his position as Ramp Tower G Ramp Controller at SFO in effect on or before  
5 October 7, 2003.

6 **REQUEST NO. 3:**

7 True and correct copies of all documents reflecting the training of Edward  
8 Loh for his position as Ramp Tower G Ramp Controller at SFO received on or  
9 before October 7, 2003 from (i) UAL; (ii) the Federal Aviation Authority; and (iii)  
10 San Francisco Terminal Equipment Co.

11 **REQUEST NO. 4:**

12 True and correct copies of the training materials and records for John  
13 Rediger, including, but not limited to, all documents concerning (i) clearing  
14 potential conflicts with other aircraft prior to or during taxi; (ii) clearing potential  
15 conflicts with other aircraft prior to or during pushback; (iii) conflict resolution; (iv)  
16 wing growth; (v) taxiing; and (vi) determination of Pilot Flying.

17 **REQUEST NO. 5:**

18 True and correct copies of the training materials and records for Scott M.  
19 Russell, including, but not limited to, all documents concerning (i) clearing  
20 potential conflicts with other aircraft prior to or during taxi; (ii) clearing potential  
21 conflicts with other aircraft prior to or during pushback; (iii) conflict resolution; (iv)  
22 wing growth; (v) taxiing; and (vi) determination of Pilot Flying.

23 **REQUEST NO. 6:**

24 True and correct copies of the training materials and records for Brad  
25 Powell, including, but not limited to, all documents concerning (i) clearing potential  
26 conflicts with other aircraft prior to or during taxi; (ii) clearing potential conflicts  
27 with other aircraft prior to or during pushback; (iii) conflict resolution; (iv) wing  
28

1 growth; (v) taxiing; and (vi) determination of Pilot Flying.

2 **REQUEST NO. 7:**

3 True and correct copies of the training materials and records for Julio  
4 Hernandez, including, but not limited to, all documents concerning (i) pushback  
5 procedures; (ii) responsibility for safe dispatch and clearance; (iii) determination of  
6 number and position of wing walkers during pushback; (iv) maintaining safety  
7 clearance for aircraft movement; (v) stopping pushback when there is a question  
8 about clearance; (vi) clearing potential conflicts with other aircraft prior to or during  
9 pushback; (vii) conflict resolution; and (viii) wing growth.

10 **REQUEST NO. 8:**

11 True and correct copies of any and all documents reflecting UAL's policies,  
12 procedures, and operations in effect on October 7, 2003 concerning (i) clearing  
13 potential conflicts with other aircraft prior to or during taxi; (ii) clearing potential  
14 conflicts with other aircraft prior to or during pushback; (iii) conflict resolution; (iv)  
15 wing growth; (v) taxiing; (vi) determination of Pilot Flying; (vii) determination of  
16 number and position of wing walkers during pushback; and (viii) Ramp Tower G  
17 Ramp Controller procedures prior to, during, and after issuance of clearance to push,  
18 clearance to taxi, and clearance to Spot 10 instructions.

19 **REQUEST NO. 9:**

20 True and correct copies of any and all documents reflecting UAL's policies,  
21 procedures, and operations currently in effect concerning (i) clearing potential  
22 conflicts with other aircraft prior to or during taxi; (ii) clearing potential conflicts  
23 with other aircraft prior to or during pushback; (iii) conflict resolution; (iv) wing  
24 growth; (v) taxiing; (vi) determination of Pilot Flying; (vii) determination of number  
25 and position of wing walkers during pushback; and (viii) Ramp Tower G Ramp  
26 Controller procedures prior to, during, and after issuance of clearance to push,  
27 clearance to taxi, and clearance to Spot 10 instructions.



**REQUEST NO. 10:**

True and correct copies of any and all documents reflecting changes in UAL's policies, procedures, and operations after October 7, 2003 concerning (i) clearing potential conflicts with other aircraft prior to or during taxi; (ii) clearing potential conflicts with other aircraft prior to or during pushback; (iii) conflict resolution; (iv) wing growth; (v) taxiing; (vi) determination of Pilot Flying; (vii) determination of number and position of wing walkers during pushback; and (viii) Ramp Tower G Ramp Controller procedures prior to, during, and after issuance of clearance to push, clearance to taxi, and clearance to Spot 10 instructions.

**REQUEST NO. 11:**

A true and correct copy of the UAL operations manual in effect on October 7, 2003 and applicable to the UAL aircraft involved in the Accident.

**REQUEST NO. 12:**

A true and correct copy of the current UAL operations manual applicable to its B777 aircraft.

**REQUEST NO. 13:**

True and correct copies of any and all documents reflecting changes in the UAL operations manual applicable to ground operations of its B777 aircraft after October 7, 2003.

**REQUEST NO. 14:**

True and correct copies of any and all documents which UAL and/or its flight crew was required to have on board Flight UA809 at the time of the Accident.

**REQUEST NO. 15:**

True and correct copies of any and all documents regarding pushback and taxi operations of UAL B777 aircraft into and out of SFO in effect at the time of the Accident.

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**REQUEST NO. 16:**

True and correct copies of any and all documents regarding pushback and taxi operations of UAL B777 aircraft into and out of SFO in effect at the present time.

**REQUEST NO. 17:**

True and correct copies of any and all documents reflecting changes in pushback and taxi operations of UAL B777 aircraft after October 7, 2003.

**REQUEST NO. 18:**

True and correct copies of all documents reflecting UAL's policies, procedures, and operations in effect on October 7, 2003 concerning (i) pushback procedures; (ii) responsibility for safe dispatch and clearance; (iii) determination of number and position of wing walkers during pushback; (iv) maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii) conflict resolution; and (viii) wing growth.

**REQUEST NO. 19:**

True and correct copies of all documents reflecting UAL's policies, procedures, and operations currently in effect concerning (i) pushback procedures; (ii) responsibility for safe dispatch and clearance; (iii) determination of number and position of wing walkers during pushback; (iv) maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii) conflict resolution; and (viii) wing growth.

**REQUEST NO. 20:**

True and correct copies of all documents reflecting changes in UAL's policies, procedures, and operations after October 7, 2003 concerning (i) pushback procedures; (ii) responsibility for safe dispatch and clearance; (iii) determination of



number and position of wing walkers during pushback; (iv) maintaining safety clearance for aircraft movement; (v) stopping pushback when there is a question about clearance; (vi) clearing potential conflicts with other aircraft prior to or during pushback; (vii) conflict resolution; and (viii) wing growth.

**REQUEST NO. 21:**

True and correct copies of all documents reflecting the results and/or records of all checks and tests conducted on Julio Hernandez for fitness for duty at the time of the Accident.

**REQUEST NO. 22:**

True and correct copies of all documents reflecting procedures and policies concerning the Ramp Tower G Ramp Controller position at SFO in effect on October 7, 2003.

**REQUEST NO. 23:**

True and correct copies of all documents reflecting procedures and policies concerning the Ramp Tower G Ramp Controller position at SFO currently in effect.

**REQUEST NO. 24:**

True and correct copies of all documents reflecting changes to procedures and policies concerning the Ramp Tower G Ramp Controller position at SFO from October 7, 2003 to present.

**REQUEST NO. 25:**

True and correct copies of all documents reflecting procedures and policies concerning the operation of Ramp Tower G at SFO in effect on October 7, 2003.

**REQUEST NO. 26:**

True and correct copies of all documents reflecting procedures and policies concerning the operation of Ramp Tower G at SFO currently in effect.

**REQUEST NO. 27:**

True and correct copies of all documents reflecting changes to procedures

1 and policies concerning the operation of Ramp Tower G at SFO from October 7,  
2 2003 to present.

3 **REQUEST NO. 28:**

4 True and correct copies of all Jeppesen charts applicable to ground  
5 operations of UAL B777 aircraft at SFO in effect on the date of the Accident.

6 **REQUEST NO. 29:**

7 True and correct copies of all Jeppesen charts applicable to ground  
8 operations of UAL B777 aircraft at SFO in effect at present.

9 **REQUEST NO. 30:**

10 True and correct copies of all dispatch documents for Flight UA809 on  
11 October 7, 2003, including but not limited to (i) flight plan; and (ii) assigned  
12 altitude.

13 **REQUEST NO. 31:**

14 Attach true and correct copies of any and all documents reflecting the  
15 requested and/or assigned routing for Flight UA809 on October 7, 2003.

16  
17 Dated: December 18, 2007

CONDON & FORSYTH LLP

18  
19 By:

  
20 MARSHALL S. TURNER (*pro hac vice*)  
SCOTT D. CUNNINGHAM

21 Attorneys for Plaintiff and Counter-Defendant  
22 ALL NIPPON AIRWAYS COMPANY, LTD.  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **ALL NIPPON AIRWAYS COMPANY, LTD'S SECOND SET OF DOCUMENT REQUESTS TO UNITED AIR LINES, INC.** was mailed this 18<sup>th</sup> day of December, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
**HEATHER L. JACKSON**

Sworn to before me this  
 18<sup>th</sup> day of December, 2007

  
 Notary Public

**Timothy H Eskridge**  
 Notary Public State of N.Y.  
 ES6121835  
 New York County  
 Expires January 31 2009

CONDON & FORSYTH LLP  
 1901 Avenue of the Stars, Suite 850  
 Los Angeles, California 90067-6010  
 Telephone: (310) 557-2030